

MINUTES OF THE
NEBRASKA NATURAL RESOURCES COMMISSION MEETING
JUNE 12, 1997

Those in attendance were:

Roy Stewart, Chair	Don Roberts, Member
LeRoy Pieper, Member	Richard Mercer, Member
Clifford Welsh, Member	Don Doty
Wayne Davis, Member	Marlin Petermann
Frank Bartak, Member	Jim Neneman
Vince Kramper, Member	Dennis Schueth
Don Larson, Member	Dayle Williamson, Director
Glen Kroese, Member	Terry Kubicek, Staff
Dale Watermeier, Member	Tom Pesek, Staff
Richard Jiskra, Member	Gayle Starr, Staff
Joe Hergott, Member	
Wilbur Nelson, Member	

CALL TO ORDER

The meeting was called to order by Commission Chair Roy Stewart in the meeting room at the Super 8 Motel in O'Neill, Nebraska, at 8:30 a.m.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL STAR and the HOLT COUNTY INDEPENDENT on June 6, 1997, notifying the public of the meeting.

INFORMATIONAL MATERIAL

The following items of informational material were distributed during the course of the meeting and a copy of each is attached to the file copy of the minutes.

1. Director's Report.
2. Report from NRCS regarding CRP & EQIP Programs.
3. Resources Development Fund Financial Report.
4. Small Watersheds Flood Control Fund Status Report.
5. Inventory of current fee title lands acquired with Small Watersheds Flood Control Funds.
6. Soil & Water Conservation Fund Status Report.

MINUTES

Motion was made by Kramper and seconded by Roberts to approve the minutes of the April 30, 1997 Special Commission meeting and May 1, 1997 regular Commission meeting. Motion carried.
Aye: Kroese, Larson, Roberts, Hergott, Jiskra, Watermeier, Nelson, Mercer, Welsh, Davis, Pieper, Bartak, Stewart, Kramper

Nay: None

Not Present: Shaughnessy, Donaldson

EXPENDITURES

Motion was made by Kramper and seconded by Nelson to approve the expenditure report for April and May, 1997, as distributed. Motion carried.

Aye: Kroese, Larson, Roberts, Hergott, Jiskra, Watermeier, Nelson, Mercer, Welsh, Davis, Pieper, Bartak, Stewart, Kramper

Nay: None

Not Present: Shaughnessy, Donaldson

DIRECTOR'S REPORT

Dayle Williamson reported on the recent surgeries and health problems of staff members Mahendra Bansal and Jim Cook.

Williamson discussed the new responsibility assigned to the agency by Governor Nelson involving floodplain mitigation. There were a number of questions about the funding involved and how the mitigation funds might be handled and what they might be used for.

Williamson also discussed the Lower Platte Feasibility Study being conducted by the Corps of Engineers and the Platte River Alliance involving three NRDs and several state agencies. He also briefly noted that the Commission staff was working with the Bureau of Reclamation on a water supply study.

ADVISOR'S COMMENTS

Don Doty, the NRCS District Conservationist based in O'Neill, distributed a report from State Conservationist Steve Chick and discussed in detail the CRP Program and the implementation of the new EQIP Program.

ENVIRONMENTAL TRUST

Vince Kramper and Richard Mercer reported that the Environmental Trust Board had not met since the last Commission meeting and that applications for funding for the next round of funding are due in September.

LB 1085 ACTIVITIES

Vince Kramper explained that the seven-member Task Force had prepared a draft report on the first study required by LB 1085 and that Commission members had been provided a copy of that report for their review. Kramper went through the report discussing comments he had received and additional comments were made by various Commission members. Kramper explained that NRD managers had also been provided a copy of the report, and that there would likely be additional comments from some NRDs. He indicated that the various comments would be provided to Commission members and that final action would be needed at the August Commission meeting.

COMPREHENSIVE PLANNING

Terry Kubicek reviewed the status of the DEM/DOQ Project and noted that with Jerry Wallin's

retirement as of the end of May, some shifts in staff responsibilities would be made. He also commented briefly on working with NRDs and state agencies to provide internet access.

PROGRAM COMMITTEE

Tom Pesek distributed the Resources Development Fund financial status report and briefly reviewed that report as well as the Quarterly Report which had been provided to Commission members. Pesek also reviewed the request of the Papio-Missouri River NRD for an increased allocation for the Papio Site 21 Project. Motion was made by Kramper and seconded by Larson to approve the Papio-Missouri River NRD's request for an increased allocation of \$79,440.02 for Component No. 6 of Papio Site 21 Project resulting in a new project allocation of \$4,412,886.52. Motion carried.

Aye: Larson, Roberts, Hergott, Jiskra, Watermerier, Nelson, Mercer, Davis, Pieper, Bartak, Stewart, Kramper, Kroese

Nay: Welsh

Not Present: Donaldson, Shaughnessy

Tom Pesek explained that the staff had visited with all of the Resources Development Fund project sponsors requesting funds for FY98 and had arrived at a recommended funding level for the upcoming year that would utilize all of the funds available. He further explained that four separate motions were needed to obligate the funds for the upcoming fiscal year. Motion was made by Bartak and seconded by Larson to accept the sponsors' project reports for the Gering Canal Project, the Upper Little Nemaha Watershed Project, and the Howells Levee Project, and accept in part the sponsors' project reports for the Lower Wood River/Upper Warm Slough Project, the Papio Site 21 Project, the Pender Flood Control Project, and the Weeping Water Creek Watershed Project. Motion Carried.

Aye: Roberts, Hergott, Jiskra, Watermeier, Nelson, Mercer, Welsh, Davis, Pieper, Bartak, Stewart, Kramper, Kroese, Larson

Nay: None

Not Present: Donaldson, Shaughnessy

Motion was made by Roberts and seconded by Nelson to establish the following separable components:

PROJECT	PROJECT COMPONENT	REQUEST FOR FY 98
Gering Canal	2. Construction of Spillway and Canal (Remainder)	\$242,787.70 \$242,787.70
Lower Wood River/ Upper Warm Slough	1a. Lands & Easements (Partial) 2. Feasibility Study 3. Bridge & Culverts (Partial)	\$401,960.00 136,571.02 222,118.26 \$760,649.28
Papio Site 21	8. Design of Recreation Facilities (Phase III) and Observation (Phase II) 9. Construction of Recreation Facilities (Phase II) 10. Construction of Recreation	\$113,944.33 529,429.65 50,000.00

Facilities (Phase III)

\$693,373.98

Upper Little Nemaha	1. Design of Dams 18, 34, and 37 (Increased Allocation)	\$16,131.14
	3a. Construction of Dams 18 and 37 (Increased Allocation)	57,178.47
	5. Construction of Dams 5 and 17 (Increased Allocation)	6,867.00
	8a. Construction of Dam 23	327,825.00
		\$408,001.61
Pender Flood Control	1a. Lands, Easements, & R-O-W (Partial)	\$400,000.00
	2. Bids & Construction (Includes Increased Allocation of \$89,825.00)	177,195.00
		\$577,195.00
Howells Levee	3. Increased Allocation for Construction	\$8,115.34
		\$8,115.34
Weeping Water	12a. Land Rights for Dam 8a	\$248,400.00
	14. Construction of Dam 7f	136,993.00
		\$385,393.00

TOTAL: \$3,075,515.91

Motion carried.

Aye: Hergott, Jiskra, Watermeier, Nelson, Mercer, Welsh, Davis, Pieper, Bartak, Stewart, Kramper, Kroese, Larson, Roberts

Nay: None

Not Present: Donaldson, Shaughnessy

Motion was made by Mercer and seconded by Roberts to adopt the following priority list:

PRIORITY LIST #1

1. Gering Canal
2. Howells Levee
3. Upper Little Nemaha
4. Pender Flood Control
5. Lower Wood River/Upper Warm Slough
6. Papio Site 21
7. Weeping Water Creek

Motion carried.

Aye: Jiskra, Watermeier, Nelson, Mercer, Welsh, Davis, Pieper, Bartak, Stewart, Kramper, Kroese, Larson, Roberts, Hergott

Nay: None

Not Present: Donaldson, Shaughnessy

Motion was made by Pieper and seconded by Jiskra to obligate FY 98 funds as follows with the stipulation that funds obligated to Components 1a and 3 of the Lower Wood River/Upper Warm Slough Project can be rescinded if the project is significantly delayed:

PROJECT	PROJECT COMPONENT	REQUEST FOR	
		FY 98	TOTAL COST
Gering Canal	2. Construction of Spillway and Canal (Remainder)	\$242,787.70	
		<u>\$242,787.70</u>	269,764.11
Lower Wood River/ Upper Warm Slough	1a. Lands & Easements (Partial)	\$401,960.00	
	2. Feasibility Study	136,571.02	
	3. Bridge & Culverts (Partial)	222,118.26	
		<u>\$760,649.28</u>	1,267,748.80
Papio Site 21	8. Design of Recreation Facilities (Phase III) and Observation (Phase II)	\$113,944.33	
	9. Construction of Recreation Facilities (Phase II)	529,429.65	
	10. Construction of Recreation Facilities (Phase III)	50,000.00	
		<u>\$693,373.98</u>	925,298.64
Upper Little Nemaha	1. Design of Dams 18, 34, and 37 (Increased Allocation)	\$16,131.14	
	3a. Construction of Dams 18 and 37 (Increased Allocation)	57,178.47	
	5. Construction of Dams 5 and 17 (Increased Allocation)	6,867.00	
	8a. Construction of Dam 23	327,825.00	
		<u>\$408,001.61</u>	544,002.15
Pender Flood Control	1a. Lands, Easements, & R-O-W (Partial)	\$400,000.00	
	2. Bids & Construction (Includes Increased Allocation of \$89,825.00)	177,195.00	
		<u>\$577,195.00</u>	961,991.60
Howells Levee	3. Increased Allocation	\$8,115.34	

for Construction

		<u>\$8,115.34</u>	
			13,525.56
Weeping Water	12a. Land Rights for Dam 8a		\$248,400.00
	14. Construction of Dam 7f		136,993.00
		<u>385,393.00</u>	
			513,857.33
<hr/>			
	TOTAL:	\$3,075,515.91	\$3,996,188.19

Motion carried.

Aye: Watermeier, Nelson, Mercer, Welsh, Davis, Pieper, Bartak, Stewart, Kramper, Kroese, Larson, Roberts, Hergott, Jiskra

Nay: None

Not Present: Donaldson, Shaughnessy

Tom Pesek distributed the Small Watersheds Flood Control Fund Status Report and briefly reviewed it. He noted that a later agenda item dealt with establishing the Revolving Fund base for the upcoming year.

Tom Pesek reviewed an appraisal submitted by the Nemaha NRD for easement on 36.7 acres at South Branch Little Nemaha Site 52. Motion was made by Larson and seconded by Roberts to approve the appraisal of damages on the Boettcher property (36.7 acres) at South Branch Little Nemaha Site 52 and commit \$12,546.00 (50% of \$25,092.00) for easement. Motion carried.

Aye: Nelson, Mercer, Welsh, Davis, Pieper, Bartak, Stewart, Kramper, Kroese, Larson, Roberts, Hergott, Jiskra, Watermeier

Nay: None

Not Present: Donaldson, Shaughnessy

Tom Pesek called on Marlin Petermann who reviewed a proposal to modify the Commission's Small Watersheds Flood Control Fund commitment on fee title property at Papio Dam Site D-17. There was extensive discussion of the impact of the modification on the property and the benefits to be gained by the developer, the NRD, and the Commission. It was noted that the Commission's commitment would be reduced by nearly \$38,000 from the present commitment, and that the NRD's commitment would be reduced by over \$31,000 with this modification. Motion was made by Kramper and seconded by Jiskra to modify the Commission's original action on the Udes (formerly Logeman) property at Site D-17 of the Papillion Creek Watershed by reducing (1) the size of the fee title tract from 37.54 acres to 28.81 and (2) the amount of financial assistance from \$225,240 to \$187,265.

Motion carried.

Aye: Mercer, Welsh, Davis, Pieper, Bartak, Stewart, Kramper, Kroese, Larson, Roberts, Hergott, Jiskra, Watermeier, Nelson

Nay: None

Not Present: Donaldson, Shaughnessy

Tom Pesek reviewed the Small Watershed's Flood Control Fund example to establish the Revolving Fund base for the upcoming year. Motion was made by Kramper and seconded by Larson to establish the revolving fund base for the Small Watersheds Flood Control Fund at \$1,250,000.00 for FY 1997-98. Motion carried.

Aye: Welsh, Davis, Pieper, Bartak, Stewart, Kramper, Kroese, Larson, Roberts, Hergott, Jiskra, Watermeier, Nelson, Mercer

Nay: None

Not Present: Donaldson, Shaughnessy

Tom Pesek distributed an inventory of current fee title lands acquired with the Small Watersheds Flood Control Fund and reviewed those properties that are proposed for the FY 1999 land sales schedule. He explained that a number of very small properties associated with the West Branch Papio Channel Project involve the levee itself and the NRD intends to acquire those properties. Motion was made by Watermeier and seconded by Mercer to schedule the sale of the Sklenar tract (4.92 acres) at Tekamah-Mud Site 4-2, the Sklenar tract (1.06 acres) at Tekamah-Mud Site 4-5, the Schmidt tract (194.2 acres) at Middle Big Nemaha Site 46, the Lamb tract (80 acres) at Upper Little Nemaha Site 34, the Udes (formerly Logeman) tract (28.81 acres) at Papio Site D-17, the Scherer tract (5.52 acres) at Upper Little Nemaha Site 26 and Tracts 3 (0.64 acres), 5 (0.33 acres), 11 (0.21 acres), 12 (0.13 acres), 13 (0.06 acres), 24 (5.03 acres) and 25 (4.39 acres) at the West Branch Channel Project for sale in FY 1999. Motion carried.

Aye: Davis, Pieper, Bartak, Stewart, Kramper, Kroese, Larson, Roberts, Hergott, Jiskra, Watermeier, Nelson, Mercer, Welsh

Nay: None

Not Present: Donaldson, Shaughnessy

Gayle Starr noted that the Soil and Water Conservation Fund Status Report had been distributed to Commission members. He added that the staff recommendation for distribution of Soil and Water Conservation Funds for the upcoming fiscal year was that 1 million dollars be divided equally among the 23 NRDs and the remaining available funds be divided based on the NRI formula as was used last fiscal year. Motion was made by Davis and seconded by Roberts to distribute the Soil and Water Conservation Funds in FY 98 as follows: (1) One million dollars equally among the 23 NRDs; (2) All remaining funds based on the NRI formula. An amendment to the motion was submitted by Jiskra and seconded by Watermeier to provide that one million dollars be divided equally and 50% of the remaining available funds be divided based on the NRI formula and 50% be divided based on the FSA formula.

After discussion, the amendment failed.

Aye: Kroese, Larson, Hergott, Jiskra, Watermeier

Nay: Pieper, Bartak, Kramper, Roberts, Nelson, Mercer, Welsh, Davis, Stewart

Not Present: Shaughnessy, Donaldson

Original motion carried.

Aye: Bartak, Kramper, Kroese, Roberts, Hergott, Watermeier, Nelson, Mercer, Welsh, Davis, Pieper, Stewart

Nay: Larson, Jiskra

Not Present: Shaughnessy, Donaldson

Starr explained that the Soil & Water Conservation Fund has relied on ASCS (now FSA) average unit costs for the program but that with the change in responsibilities of federal agencies, FSA will no longer maintain average unit costs but NRCS will now be responsible for maintaining those costs and in the interim will merely adopt the current FSA costs for their purposes. As a result, he recommended that the Commission adopt the NRCS average unit costs for purposes of the Nebraska Soil and Water Conservation Fund. Motion was made by Bartak and seconded by Hergott to adopt the NRCS average unit cost for purposes of the Nebraska Soil and Water Conservation Fund. Motion carried.

Aye: Kramper, Kroese, Larson, Roberts, Hergott, Jiskra, Watermeier, Nelson, Mercer, Welsh, Davis, Pieper, Bartak, Stewart

Nay: None

Not Present: Shaughnessy, Donaldson

Starr explained that the agenda item to amend the list of eligible practices for the Soil & Water Conservation Fund had been put on the agenda in case there were any requests for changes but that none had been received and the staff was recommending no changes.

Starr indicated that the first Natural Resources Enhancement funds will be distributed to the NRDs in mid-July and anticipates that the total amount available for distribution may be about 1.3 million dollars.

LEGISLATIVE & BUDGET COMMITTEE

Gayle Starr reviewed the budget as adopted by the Legislature and the Governor indicating that the significant changes for the biennial appropriation were a \$500,000 increase for the Resources Development Fund for FY 98, a \$200,000 increase for the Small Watersheds Flood Control Fund for both FY 98 and 99 and a \$125,000 appropriation in FY 98 and 99 to support the Lower Platte Feasibility Study. Dayle Williamson noted that the Governor had signed LB 877 relating to instream flows.

A question arose as to the details of the Federal American Heritage Rivers program that has recently been announced and Williamson indicated that he would attempt to secure some information about that program and provide it to Commission members.

Don Roberts noted that the Republican Basin Water Districts Coalition has discussed some ideas that might serve to re-open negotiations with Kansas over the Republican River Compact.

NEXT MEETING

The next meeting of the Commission will be August 6 & 7 in Lincoln.

ADJOURNMENT

The meeting was adjourned at approximately 11:45 a.m.

Chairman

Director of Natural Resources